

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SHALONDA CUYLER	)	CASE NO. 1:03CV2083
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
vs.	)	
	)	<u>ORDER</u>
RAYCOM MEDIA, INC., et al.,	)	
	)	
Defendants.	)	

**CHRISTOPHER A. BOYKO, J.:**

This matter comes before the Court upon the Application of Plaintiff Shalonda Cuyler to Proceed *In Forma Pauperis* (ECF DKT #104) and the Defendant Union's Response in Opposition (ECF DKT #105). The Court notes that the docket entry of September 16, 2005 reflects the receipt of fees by the Sixth Circuit Court of Appeals. Nevertheless, this Court is compelled to address the deficiencies in Plaintiff's Application which dictate denial on grounds other than mootness.

Rule 24 of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to appeal *in forma pauperis* must file a motion and affidavit in the

district court. The affidavit must track Form 4 of the Appendix to the Rules and show in detail the party's inability to pay or to give security for fees and costs. In addition, the affidavit must state an entitlement to redress and relate the issues that the party intends to present on appeal. An applicant must comply with the mandates of Rule 24 in order to qualify for *in forma pauperis* consideration. *Callihan v. Schneider*, 178 F. 3d 800, 803 (6<sup>th</sup> Cir. 1999).

On her application, Plaintiff Cuyler failed entirely to complete questions three, four or five. In addition, her response to question 1b regarding her last employment was: "December 2004 \$21 per hour and tips." Yet when she was deposed on February 17, 2005, Cuyler testified that she was tutoring two days a week as of the time of her deposition. Her sworn deposition testimony obviously contradicts her sworn application answers. This troubling misrepresentation, along with the omission of several responses, convinces this Court that the request of Plaintiff Shalonda Cuyler to proceed *in forma pauperis* is without merit and must be denied.

**IT IS SO ORDERED.**

**DATE:** 3/30/06



**CHRISTOPHER A. BOYKO**  
United States District Judge